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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Situation in Somalia

Somalia is a Federal State. Federalism corresponds with the diversity of the Somali society. Somalia often has been presented as a homogenous nation of Somali people who share one language, one religion and one culture, as a nation without minorities. Although there is a predominance of four Somali majority clans (Darod, Hawiye, Dir, Rahanweyn) which have been controlling government, politics and the economy for decades, according to estimations one third of the total Somalia population of 9.5 million people are belonging to minority groups (Yibir, Gaboye, Eyle,Galgala, Tumal and other groups). Somalia's minorities are diverse and not framed simply by different ethnic or linguistic backgrounds, but also by diverging social situations.

Although the Provisional Constitution of Somalia of August 2012 rejects secession, it promotes voluntary federalism of regions while establishing a decentralized democratic unitary government. But this system of clan federalism is flawed because persistent rivalries between the most powerful clans which deny equal rights and representation to smaller clans and minorities. Article 49 of the Constitution describes the opportunity of a voluntary merger of two or more regions based on the 1991 boundaries to form a Federal Member State. In the years 2013/2014 this provision of a possible merger of regions to a bigger and more powerful administrative unit has provoked armed conflicts, ethnic cleansing and massive human rights violations in Central and Southern Somalia.

Society for Threatened Peoples is concerned about on-going armed conflicts and clashes between clans, warlord militias and the national army in Lower and Middle Shabelle and in Hiraan province. In July 2013, Somali army and clan militias of Biyamal and Habar Gedir fought each other over regional influence. In November 2013, at least 11 people were killed after government forces and local militias in Lower Shabelle region fought at K 50 location. The fighting broke out between local militiamen and Somali army led by General Mohamed Roble Jimale Gobale, a close associate of former warlord Yusuf Mohamed Siyad Indha'ade. Several towns were seized by force by militias of warlords. Hundreds of civilians have been forced to flee from their homes. Heavy fighting between local clans and the national army also erupted in December 2013 and February 2014.

Traditional elders from different clans accused senior officials in the Federal Government in Mogadishu of fueling unrest in order to marginalize the indigenous residents of Lower Shabelle. The President of the Federal Government of Somalia, Hassan Sheikh Mohamud, has refuted these claims and deplored clan based clashes in Southern regions. The UN Special Representative of the Secretary-General for Somalia, Nicholas Kay, expressed his concern about the violent clashes between clans on December 18, 2013. Kay urged the Federal Government to fully investigate the incidents, but no serious and independent investigations have been launched yet. Somalia has to ensure that clan-based federalism does not hurt the legitimate interests of smaller clans and minorities.

Furthermore, the Federal Government has to guarantee free reporting by national media on the background of this violence between clans. The National Union of Somali Journalists (NUSOJ) strongly has condemned any attempts by local authorities in Hiraan region to ban media reporting on the incidents. The Somali Channel television has been banned in the town of Beletwein in Central Somalia by the Hiraan administration on January 26, 2014, after the television channel has been airing a report over recent clan fighting. The report had angered local administration officials.

Society for Threatened Peoples is extremely concerned about intimidation, threats and arbitrary arrests of journalists in Somalia, Jubbaland, Puntland and Somaliland. The UN Human Rights Council should call upon the administration of the Federal Government and regional authorities to respect the media freedoms and freedom of expression.

Since mid-2013, tens of thousands of internally displaced people living in legally and illegally settlements in Mogadishu have been forced by the authorities to move to makeshift settlements north of the city. More than 27,000 people were evicted in November/December 2013 from different settlements in Mogadishu. Despite promises by the Government to ensure a voluntary process, many internally displaced people complain about a lack of consultation and about human rights violations. Furthermore, they fear that in the new settlements basic services, security and protection will not be guaranteed.

The UN Human Rights Council should urge the Government of Somalia to:

- Ensure that the rights of smaller clans and minorities are respected and that clan-based federalism will not hurt the representation of less powerful clans
- Respect media freedoms and the freedom of expression
- Respect the rights of internally displaced people and the principle of voluntary resettlement and to ensure that basic services and protection will be guaranteed in their new settlements.
- Guarantee an immediate end to clan-based fighting and ethnic cleansing in Central and Southern Somalia.